

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARVIN MCFOY,
a/k/a "Ken,"
SOLOMON KWABENA BUABENG,
a/k/a "Solo,"
a/k/a "Ben Jonah," and
ANSONG MENSAH,
a/k/a "Joe,"

Defendants.

SEALED INDICTMENT

05 Cr.

05CRIM. 1311

COUNT ONE

The Grand Jury charges:

1. In or about July 2005, in the Southern District of New York and elsewhere, MARVIN MCFOY, a/k/a "Ken," SOLOMON KWABENA BUABENG, a/k/a "Solo," a/k/a "Ben Jonah," and ANSONG MENSAH, a/k/a "Joe," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MARVIN MCFOY, a/k/a "Ken," SOLOMON KWABENA BUABENG, a/k/a "Solo," a/k/a "Ben Jonah," and ANSONG MENSAH, a/k/a "Joe," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute, and possess with intent to distribute, a controlled substance, to

wit, 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1), and 841(b)(1)(B) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about July 6, 2005, MARVIN MCFOY, a/k/a "Ken," the defendant, had a telephone conversation while in New York, New York, with SOLOMON KWABENA BUABENG, a/k/a "Solo," a/k/a "Ben Jonah," the defendant, about a narcotics transaction.

b. On or about July 8, 2005, BUABENG had several telephone conversations with ANSONG MENSAH, a/k/a "Joe," the defendant, concerning the delivery of narcotics.

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, MARVIN MCFOY, a/k/a "Ken," SOLOMON KWABENA BUABENG, a/k/a "Solo," a/k/a "Ben Jonah," and ANSONG MENSAH, a/k/a "Joe," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this

Indictment.

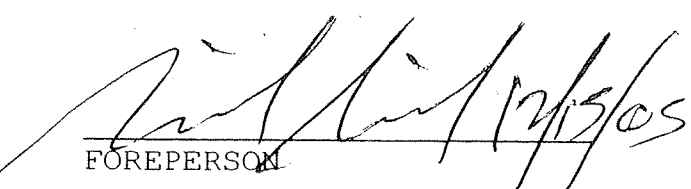
Substitute Asset Provision

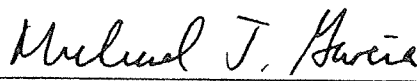
5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

05 Cr. ____

(21 U.S.C. § 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
